

Amendment Under 35 U.S.C. § 1.111
U.S. Serial No. 09/762,441

REMARKS

Entry of the foregoing, re-examination and reconsideration of the application, as amended, pursuant to and consistent with 37 C.F.R. § 1.111 and in light of the remarks which follow, is respectfully requested.

As correctly noted in the Office Action Summary, claims 1-19 are pending in the application and are under consideration.

By the above amendments, claim 7 has been revised to remove a minor informality, and claims 15 and 19 have been revised in response to the 35 U.S.C. § 112, second paragraph, rejection. These amendments are discussed in detail below. Further, the undersigned submits that these amendments do not introduce any new matter. Thus, entry is respectfully requested.

At the outset, the undersigned notes that while the Examiner has acknowledged Applicants' claim for foreign priority under 35 U.S.C. § 119, it has been indicated that the copy of the certified priority document has not been received in the National Stage application from the International Bureau.

In this regard, the undersigned notes that the International Bureau has notified Applicants of receipt of this document on September 13, 1999. Thus, the International Bureau has or will forward a copy of the document to the U.S. Patent and Trademark Office. The undersigned requests acknowledgement of this document upon receipt by the Examiner.

Turning to the Official Action, the Examiner has requested that the Specification be checked for minor informalities. Such errors are not readily apparent. Thus, no changes to the specification have been made.

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Claim 7 stands objected to for a minor informality. This objection has been obviated by the above amendment, where the typographical error has been corrected.

Claims 15 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to point out and distinctly claim the subject matter which applicant regards as the invention. This rejection has been obviated, by the above amendments, for the following reasons.

With respect to claim 15, the Examiner alleges that it is unclear as to whether the claim depends on claim 1 or 6. Regarding claim 19, the recitation “small” is cited as being indefinite.

Applicants have amended claim 15 to recite the subject matter of claim 6 therein. Claim 15, as amended, continues to depend on claim 1. With respect to claim 19, it has been revised to remove the offending terminology. Accordingly, it is submitted that the claims, as now written, are in full compliance with 35 U.S.C. § 112, second paragraph, and withdrawal of the rejection is requested.

Claims 1-19 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Saitoh et al (U.S. Patent 5,229,461) in view of Dessaint et al (U.S. Patent 4,295,976). This rejection is traversed.

The present invention relates to leather product having an improved stain-proofing proofing property and solvent resistance, while maintaining flexibility, cold resistance and bending resistance. Applicants’ specification at page 2.

In accordance with the invention, and as set forth in independent claim 1, a leather coated with a fluorine coating composition is provided. The leather has an outermost layer of a fluorine-containing resin coating film in which in stain removing test according to JIS L 0805, a

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gray scale is grade 4 or more and in ethanol resistance test according to JIS K 6547 by using a clock meter type friction tester, an area of chipped-off fluorine-containing coating film is 50% or less.

Saitoh et al relates to a vinylidene fluoride copolymer having functional groups to provide weatherability and is compatible with an acrylic resin. See, column 1, lines 6-10.

Saitoh et al does not even disclose the object of the present invention, much less the solution found by Applicants. The present invention provides improved stain proofing of a coated leather while maintaining the excellent flexibility and softness usually possessed by leathers. On the other hand, the coated film prepared in accordance with Saitoh et al is hard and has a high molecular weight. Moreover, the substrate to which the film in Saitoh et al is applied to is a hard substrate such as metal, wood, concrete and plastic. See, column 11, lines 5-8. Clearly, Saitoh et al is not concerned with a flexible substrate, such as the one of the present invention, and does not disclose a soft coating composition.

Daissant et al relates to fluorinated products, their manufacture and their use in the preparation of anti-staining and soil release finishes for various materials, such a paper, leather, wood, metal, concrete, etc. See column 1, lines 5-10. Daissant et al does not cure the above-described deficiencies in Saitoh et al. In order to provide flexibility and softness, Daissant et al discloses a telomerization product, which is a low molecular weight pasty material applied to the substrate.

In addition, to improve the adhesion to a substrate, such as a woven material, Dessaint et al discloses the application of thermosetting products and catalysts capable of promoting cross-linking with the substrate in combination with the fluorinated telomerization product. See,

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column 7, line 61 to column 8, line 14. Further, to obtain certain effects, the fluorinated products of Dessaint et al are utilized in combination with other fluorinated products, polymers or copolymers. See, column 8, lines 31-44. These descriptions appear to indicate that Dessaint et al distinguishes the low molecular weight telomerization product from a polymer and resin.

Thus, the fluorinated product of Dessaint et al may be applied to leathers because it is a low molecular weight fluorinated product. In other words, Dessaint et al does not disclose or fairly suggest that a high molecular weight fluorinated product, such as a thermosetting resin can be applied to leather. Accordingly, the skilled artisan would not look to exchange the high molecular coating composition of Saitoh et al, which is utilized for forming a rigid composite, with the low molecular fluorinated product of Dessaint et al which is utilized to form a flexible composite. In this regard, it is simply improper to combine references where the references teach away from the combination. In re Grasselli, 218 USPQ 769, 779 (Fed. Cir. 1983). Thus, withdrawal of this rejection is in order and it is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Iurie A. Schwartz
Registration No. 43,909

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

7. (Amended) The leather coated with a fluorine-containing resin coating composition of Claim 6, wherein the reactive curable group is at least one of hydroxyl group, amino group, epoxy group, carboxyl group, mercapto group, hydrolyzable silyl group, amido bond, [urethane] urethane bond and urea bond.

15. (Twice Amended) A method of producing the leather coated with the fluorine-containing resin coating composition of Claim 1, which comprises coating [the] a curable fluorine-containing resin coating composition [of Claim 6] comprising a fluorine-containing resin having a reactive curable group and a curing agent on the leather surface directly or through a primer layer, and curing.

19. (Twice Amended) The leather coated with a fluorine-containing resin coating composition of Claim 1, which is used for interior goods of building, interior goods of vehicles, furniture, shoes, bags, clothes and [small] leather articles.